

REMARKS

Claims 1 through 26 remain in this application for active consideration.

In the outstanding official action, claims 1 through 20 were rejected under 35 U.S.C. § 112, second paragraph, claims 1 through 3, 5 through 10 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,271,729 to Gensler et al. (Gensler '729), claims 21 through 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,131,838 to Gensler et al. (Gensler '838), claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gensler '729, and claims 11, 13, 14, 16, 18, 19 and 20 were rejected as being unpatentable over Gensler '729 in view of US 3,182,712 to Zink et al. (Zink '712). Applicant respectfully traverses the stated rejections and submits that that claims 1 through 26 as presented above comply fully with requirements of 35 U.S.C. § 112 and are patentable over the cited prior art references.

Regarding the rejections based on Gensler '729, this reference is relevant principally because the disclosed structure includes both the ports 33 and the ports 27. However, the ports 27 deliver a first stage premix while the ports 33 deliver a second stage premix. Claim 1 recites a different structure. It is to be noted in this regard that the "discharge nozzle" of claim 1 is recited as being "in direct communication with said conduit and configured and arranged for receiving at least a portion of said mixture of fuel and air from the conduit and directing the same into said combustion zone," and the "at least one port" of claim 1 is recited as being in communication the air passageway, "whereby to facilitate the passage of a portion of said mixture of fuel and air from the conduit and into said air passageway for admixture with air flowing through the air passageway. Accordingly, the discharge nozzle and port of claim 1 are used to direct the flow of different portions of the same the exact mixture of fuel and air. On the other hand, the ports 27 and 33 of Gensler '729 are designed to respectively handle different premix streams. Hence, claim 1 is free of the cited Gensler '729 reference and patentable thereover.

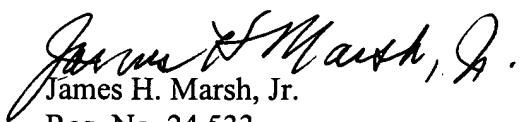
Regarding the rejections based on Gensler '838, this reference is relevant principally because the ports 27 deliver a premix portion that becomes mixed with air at the peripheral edge of plate 18. But this reference does not mention flameless oxidation. Claim 21 positively recites a step of oxidizing the fuel lean admixture flamelessly. Accordingly claim 21 is free of the cited Gensler '838 reference and patentable thereover.

All of the other claims remaining for consideration in this application depend either directly or indirectly from one or the other of claims 1 and 21. Accordingly, these dependent claims are patentable over the cited references for all of the reasons set forth above in connection with claims 1 and/or 21.

With regard to the rejection based on 35 U.S.C. § 112, it is submitted that claim 1 has been amended above in a manner to obviate this rejection.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims remaining for active consideration in this application define patentably over the cited reference and comply fully with all of the formal requirements of the patent statutes and rules and regulations of the Office. Accordingly, favorable action at an early date will be appreciated. If the examiner is of the view that any issue remains unresolved, it is respectfully suggested that applicants' undersigned attorney may be contacted at the telephone number set forth below.

Respectfully submitted,



James H. Marsh, Jr.

Reg. No. 24,533

STINSON MORRISON HECKER LLP

1201 Walnut Street, Suite 2900

Kansas City, MO 64106-2150

Telephone: (816) 842-8600

Facsimile: (816) 691-3495